

REMARKS

Currently claims 1 through 20 remain pending in the present application, including independent claims 1, 11, and 17. The claims are directed to a window shutter.

In the Office Action, independent claims 1, 11 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,848,505 to Taylor in view of U.S. Patent No. 6,014,839 to Ruggles. Based upon the above amendments and the following remarks, however, reconsideration is respectfully requested.

Claims 1, 11, and 17 are all directed to a shutter that includes a face panel attached to a first rear vertical support and a second rear vertical support. Each of the claims further require a first channel member and a second channel member that have a U-shaped cross section. As stated in the specification on page 9, the first and second channel members better secure the face panel to the rear vertical supports. For instance, the first and second channel members enclose the vertical edges of the shutter in order to consolidate the entire structure.

Claims 1, 11 and 17 all require that the channel members be made from a metal. In order to better define the invention, all of the claims have further been amended to require that the first and second channel members form the exterior vertical edges of the shutter.

In comparison to the presently claimed invention, Taylor fails to disclose or suggest channel members made from a metal that form the exterior edges of a shutter. Taylor is directed to a shutter that is substantially comprised of polyvinyl chloride. As opposed to the currently pending claims, Taylor teaches to construct the exterior surfaces of the shutter exclusively from polyvinyl chloride.

Taylor does disclose the use of metal rods that are incorporated into the shutter. As opposed to the present invention, however, Taylor goes to great lengths to "hide" the aluminum rods from view and to ensure that they are imbedded within the shutter as opposed to forming exterior vertical edges. For instance, in column 3 at line 11, Taylor describes square-shaped channels that are extruded in each vertical side member 11. The aluminum rods are then placed in the channels so that they are completely encased within the polyvinyl chloride. Taylor also describes small "cut-outs"

that are placed over the square-shaped channels in order "to conceal the ends of the aluminum rods".

Thus, as described above, Taylor not only fails to disclose or suggest first and second metal channel members that form exterior vertical edges of a shutter but actually teaches away from the claimed construction.

In the Office Action, Taylor was combined with Ruggles in rejecting the claims. Ruggles is directed to an adjustable shutter assembly having an automated adjustment system including an electronic actuating device. Ruggles merely states in column 6 that the frame of the shutter assembly may be constructed of various materials including wood, metal, plastics, ceramics and combinations thereof. Ruggles, however, provides no motivation, incentive or suggestion to modify the shutter disclosed in Taylor in arriving at the claimed invention. In fact, as stated above, Taylor teaches away from a shutter that includes exposed areas made from a metal and teaches away from including metal channel members that form the exterior vertical edges of a shutter. Thus, it would not have been obvious to combine Ruggles with Taylor to arrive at the claimed invention. Such a combination rests solely on improper hindsight analysis.


In summary, Applicants respectfully submit that the presently pending claims patentably define over the prior art of record and are in complete condition for allowance. Favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Rhee is invited and encouraged to telephone the undersigned in order to hopefully expedite prosecution.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

4/15/04

Date

Respectfully submitted,



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